

BANKRUPTCY COURT
DISTRICT OF OREGON

2017 MAR -7 PM 1:25

LOGGED REC'D

PETER SZANTO 503-610-0865
P.O. Box 4614
Portland OR 97208

United States Bankruptcy Court

in and for the District of OREGON

1001 SW 5th Av., Portland OR 97204

Adversarial # 16-ap-3114

core case:16-bk-33185-pcm11

In Re Peter Szanto, Debtor

=====

Peter Szanto, Plaintiff

vs.

Evye Szanto, et al,

Defendants

Plaintiff's Emergency

Ex-Parte Notice

Of Defendants'

Obataining ORDER which Deprives

This Court of Jurisdiction

Hearing Date 3-7-17 @ 2:00 PM

Judge McKittrick – Courtroom #1

Comes now plaintiff to apprise this Court of defendants' having obtained an
ORDER which deprives this Court of jurisdiction.

16-ap-3114

3-7-17
Response to Motion to Dismiss 2-14-2017- pg. 1

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4 **NOTICE**

5 Defendants' attorneys were apprised that plaintiff would be appearing
6 ex-parte on 3-7-17 at 2PM before Judge McKittrick.

7 Mr. Henderson was contacted at 1012 a – and stated he objected
8 to any ex-parte hearing. Mr. Olsen was contacted at 1025a and stated
9 he would endeavor to appear by telephone.

10
11 **FACTS**

12 In Judge Mc Kitrick's courtroom on 3-7-17, plaintiff was served
13 with a TEMPORARY RESTRAINING ORDER as to this action from the
14 Tahoe Justice Court. [EXHIBIT A]

15 The Order alleges domestic violence by plaintiff.

16 However, the only allegations in the claim [EXHIBIT A] relate to
17 Plaintiffs litigation against the defendants. No physical violence is alleged.
18

19 However, the ORDER has immediately vacated this Court's jurisdiction
20 over this action [EXHIBIT A, p. 3]
21

22 Respectfully,

23
24 Dated 3-7-17  Peter Szanto

25
26 16-ap-3114

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Case No. 17-PO-0001

FILED

2017 MAR -6 AM 11:36

IN THE JUSTICE COURT OF TAHOE TOWNSHIP
COUNTY OF DOUGLAS, STATE OF NEVADA

TAHOE TOWNSHIP
JUSTICE COURT
CLERK

VICTOR SZANTO
EVYE SZANTO

Applicant,

TEMPORARY ORDER
FOR PROTECTION AGAINST
DOMESTIC VIOLENCE

vs.

Date Issued: 03/06/17

PETER SZANTO

Adverse Party,

Date Expires: 04/06/17

YOU ARE HEREBY NOTIFIED that any **VIOLATION OF THIS ORDER IS A CRIMINAL VIOLATION** and will result in a misdemeanor offense, unless a more severe penalty is prescribed by law. If the violation is accompanied by a violent physical act, sentence will include incarceration of not less than five days nor more than six months in the county/city jail; \$1,000.00 fine or a minimum of 200 hours community service; reimbursement of all costs, fees and medical expenses incurred; and participation in professional counseling.

YOU ARE FURTHER NOTIFIED that you **CAN BE ARRESTED** even if the person who obtained the order invites or allows you to contact them. You have the sole responsibility to avoid or refrain from violating the terms of this order. Only the court can change the order upon written application.

YOU ARE FURTHER NOTIFIED that if you **ARE ARRESTED FOR VIOLATING THIS ORDER** you will not be admitted to bail sooner than 12 hours after your arrest if the arresting officer determines that the violation is accompanied by a direct or indirect threat of harm.

YOU ARE FURTHER NOTIFIED that child stealing is a felony offense, punishable by possible incarceration.

This order meets all Full Faith and Credit provisions of the Violence Against Women Act and is enforceable in all 50 states, the District of Columbia, U.S. Territories and Indian Nations. All other courts and law enforcement with jurisdiction within the United States and all Indian Nations shall give full faith and credit to this Order pursuant to 18 U.S.C. Sec. 2265.

Violation of the order may subject you, the offender to federal charges and punishment pursuant to 18 U.S.C. Sec. 2261(a)(1) and (2) and 2262(a)(1) and (2).

An application and affidavit having been filed in this Court by the above-named Applicant requesting that a Temporary Protection Order against Domestic Violence be issued by this Court against YOU, the above-named Adverse Party, or the Court having received specific facts by telephone/facsimile pursuant to NRS 33.020(5), and the Court having jurisdiction over the parties and the matter pursuant to NRS 33.010, et seq., and it appearing to the satisfaction of the Court from specific facts shown by a verified application that an act of

1 domestic violence has occurred and/or you represent a credible threat to the physical safety
2 of the above-named Applicant or minor child(ren) and good cause appearing for issuing such
3 Order without hearing, **YOU ARE HEREBY ORDERED** as follows:

4 **YOU ARE PROHIBITED**, either directly or through an agent, from threatening, physically injuring or harassing
5 the above-named Applicant and/or minor child(ren), and from selling, damaging, destroying, giving away, or
6 otherwise disposing of, or tampering with, any property owned by the Applicant, or in which Applicant has an
7 interest;

8 **BECAUSE THE COURT DETERMINES, Pursuant to NRS 33.030(1)(e), that an emergency exists,**

9 **YOU ARE PROHIBITED** from any contact whatsoever with the Applicant, including but not limited to, in person,
10 by telephone, through the mail, through electronic mail (e-mail), or through another person;

11 1. X **YOU ARE EXCLUDED AND ORDERED** to stay at least 100 yards away from Applicant's
12 residence located in DOUGLAS COUNTY, NEVADA , at 1728 HIGHWAY 50 GLENBROOK , or any other place
13 that Applicant may reside. YOU shall not interfere with Applicant's possession and use of residence, including
14 utilities, phones, leases and other related residential services;

15 2. N/A A law enforcement officer, within whose jurisdiction Applicant/Adverse Party's residence is
16 located, shall on **ONE OCCASION ONLY** accompany Applicant/Adverse Party's to Applicant/Adverse Party's
17 residence located at NOT APPLICABLE and shall stand by while Not Applicable obtains clothing,
18 toiletries and the following additional items: NOT APPLICABLE . **ANY PROPERTY NOT LISTED**
19 **ABOVE IN DISPUTE SHALL REMAIN IN THE RESIDENCE;**

20 3. N/A The Court, having jurisdiction under and meeting the requirements of Chapter 125A of the
21 Nevada Revised Statutes (UCCJA), grants to Applicant temporary custody of the following minor child(ren) of the
22 parties: NOT APPLICABLE ; **YOU ARE PROHIBITED** from interfering with Applicant's custody of
23 the minor child(ren) named in this paragraph. It is in the best interest of the child(ren) that no negative, insulting, or
24 disparaging comments be made by one party against the other party in the presence of the minor child(ren);

25 4. N/A Custody, visitation, and support of the minor child(ren) of the parties shall remain as ordered in
the Decree of Divorce/Order entered between the parties in Case Number NOT APPLICABLE in the NOT
 APPLICABLE Judicial District Court of the State of Nevada;

1 5. N/A **YOU ARE EXCLUDED AND ORDERED** to stay at least 100 yards away from the minor
2 child(ren)'s school, or day care, located in ☐ CONFIDENTIAL, at ☒ Not Applicable , or any other school or day
3 care that the child(ren) may be attending;

4 6. X **YOU ARE EXCLUDED AND ORDERED** to stay at least 100 yards away from Applicant's place of
5 employment located in DOUGLAS COUNTY, NEVADA, CONFIDENTIAL, or any other place that Applicant may be
6 employed. **YOU ARE PROHIBITED** from any contact whatsoever with Applicant's place of employment, in person,
7 by telephone, by mail, or any other means of communication;

8 7. N/A **YOU ARE EXCLUDED AND ORDERED** to stay at least 100 yards away from the following
9 places, which Applicant and/or minor child(ren) frequents regularly listed as/described as:, located in ☐
10 CONFIDENTIAL, at ☒ Not Applicable .

11 8. X The following provisions and exceptions are made a part of the order:
12 ADVERSE PARTY MAY NOT INITIATE OR CONTINUE ANY CIVIL COURT ACTION, PROCEEDING,
13 COMPLAINT, APPLICATION, PETITION, MOTION, APPEAL OR REQUEST FOR AFFIRMATIVE RELIEF FROM
14 ANY COURT OR TRIBUNAL IN ANY STATE OR TERRITORY UNLESS ADVERSE PARTY IS REPRESENTED BY
15 AN ATTORNEY LICENSED TO PRACTICE IN SUCH COURT OR TRIBUNAL.

16 9. **THIS ORDER WILL REMAIN IN EFFECT UNTIL 11:59 P.M. ON THE DATE SET FORTH ON PAGE 1**
17 **UNLESS THE JUDGE ORDERS OTHERWISE.** If an application for an extended order is filed, this temporary order
18 will remain in effect until the hearing on an extended order is held. Further, The Clerk is directed to set this matter
19 upon the Court's calendar for Thursday, April 6, 2017 at 9:00 A.M. for this court to consider (a) Applicants' request
20 for an Extended Order of Protection Against Domestic Violence and (b) whether this court should *sua sponte*
21 declare Adverse Party to be a Vexatious Litigant in Nevada.

22 If you wish to dispute the order or have it changed, you may request a hearing by filing a written request with
23 the court. Court staff will give you information about how to file your request. The court will set a hearing on your
24 request as quickly as possible.

25 _____ IT IS FURTHER ORDERED that a copy of this Order shall be transmitted forthwith together with the
verified application and supporting affidavit, to the Sheriff's Office, or the Constable, who will promptly attempt to

1 serve the same upon the Adverse Party and upon service file return of service with the Court by the end of the next
2 business day after service is made.
3
4

5 **ORDER TO LAW ENFORCEMENT**

6
7 (A) Any law enforcement officer who has probable cause to believe a violation of any provision of this Order
8 has occurred is ordered to arrest the Adverse Party. Such party is to be charged with a misdemeanor violation of
9 this Order in addition to any other criminal charges which may be justified.

10 (B) If such law enforcement officer cannot verify that the Adverse Party was served with a copy of the
11 Application and Order, the officer shall inform the Adverse Party of the specific terms of the Order, inform the
12 Adverse Party that he/she now has notice of the provisions of the Order and that a violation of the Order will result
13 in his/her arrest, and inform the Adverse Party of the location of the court that issued the original order and the
14 hours during which he/she can obtain a copy of the Order. The law enforcement officer shall then provide written
15 proof of notice to his agency and to the Court.

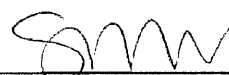
16 (C) It shall be the duty of the law enforcement officer serving this order to remove the Adverse Party from
17 Applicant's residence as set forth in paragraph 1.

18 **All fees are deferred.**

19 Dated this 6 day of MARCH, 2017.

20 
Richard Glasson/Judge

21 Transmitted to the state repository this 6 day of March, 2017.

22 
Clerk of the Court
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